

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-815V

Filed: December 21, 2015

Unpublished

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JIHYUN PARK,

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Petitioner,

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v.

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Attorney Fees and Costs; Stipulation

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SECRETARY OF HEALTH AND
HUMAN SERVICES,

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Respondent.

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*Amber Wilson, Maglio Christopher and Toale, PA, Washington, DC, for petitioner.
Camille Collett, U.S. Department of Justice, Washington, DC, for respondent.*

DECISION ON ATTORNEY FEES AND COSTS¹

Dorsey, Chief Special Master:

On September 4, 2014, Jihyun Park filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, et seq., [the “Vaccine Act” or “Program”]. Petitioner alleged that she suffered Guillain-Barré syndrome (GBS) resulting from the influenza vaccine she received on September 10, 2013. Petition, ¶¶ 2, 5, 11. On September 21, 2015, a decision awarding compensation to petitioner based on the parties’ stipulation was issued.

On December 18, 2015, the parties filed a Stipulation of Facts Regarding Final Attorneys’ Fees and Costs. According to the stipulation, the parties agree upon an award of \$18,900.91 for attorney’s fees and costs. In accordance with General Order #9, petitioner’s counsel represented that petitioner incurred no out-of-pocket expenses. Stipulation, ¶ 4.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioners have 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). The proposed amount is reasonable.

Accordingly, I award the total of \$18,900.91² as a lump sum in the form of a check jointly payable to petitioner and petitioner's counsel Amber Wilson.

The clerk of the court shall enter judgment in accordance herewith.³

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master

² This amount is intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C. § 300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. See generally *Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir.1991).

³ Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. See Vaccine Rule 11(a).